

said upper portion of said blade housing houses a blade, a bottom edge of said upper portion of said blade housing protruding on either end from said blade and an end surface being rounded and inclined upwardly and from either end of said bottom edge;  
said lower portion of said blade housing slidably moving in said channel,  
wherein said rails are formed of a material which is adapted to provide a positive charge to film received over said rails to hold said film before and after cutting.

### **REMARKS**

The Office Action dated March 17, 2003 has been carefully considered. Claim 1 has been amended. Claims 1, 2 and 4-18 are in this application.

The previously-presented claims 1 and 4-18 were rejected under 35 USC §103 as obvious in view of U.S. Patent No. 3,277,760 to Keene et al. in combination with U.S. Patent No. 4,196,647 to Fish. Applicants submit that the teachings of these references do not disclose or suggest the invention defined by the present claims.

Keene et al. teach an apparatus for severing a web. The lower portion of a shuttle is an elongated cylindrical member which may be tapered at either terminal portion to engage insert 46. Means are used to hold the film adjacent to surface 14. (Col. 2, lines 34-37.) A suitable means are a pair of rollers mounted on either side of the cutter.

In contrast to the invention defined by the present claims, Keene et al. do not teach or suggest rails being formed of a material providing a positive charge to film received over the rails to hold the film before and after cutting of the film. Rather, Keene et al. use means such as rollers to hold the film down during cutting of the film. Moreover, there is no teaching or suggestion in Keene et al. to use a positive charge for holding a film during cutting of the film. The present invention has the advantage that the use of cling eliminates the need to hold or pinch the film with moving parts, such as rollers and is less expensive to manufacture.

Fish teaches a carton for dispensing and cutting selected material. The cutter is part of an upper bar attached to the top wall of the carton with the top normally maintained open by a spring carried by separate plastic end cap members. Further, Fish teaches that difficulties have been experienced, especially when plastic films are being

cut, in that the film does not lay flat against a receiving surface because of air which is trapped beneath the film and because of static friction. (Col. 1, Lines 14-18)

In contrast to the invention defined by the present claims, Fish does not teach or suggest rails being formed of a material providing a positive charge to film received over the rails to hold the film before and after cutting of the film. Rather, Fish teaches away from the present invention by teaching that especially when plastic films are being cut, that the film does not lay flat against a receiving surface because of static friction.

(Col. 1, lines 14-19.) Accordingly, the invention of Fish was designed to remove the problem of static friction and does not teach or suggest a rail formed of a material to hold a film received over the rail. Applicant submits that there is no motivation in Fish to use static friction to hold film against a rail and it is only in hindsight that the Examiner can pick and choose a statement of Fish to be combined with the teachings of Keene et al. Accordingly, Fish does not cure the deficiencies of Keene et al. as noted above.

With regard to claims 4-6, as noted by the Examiner, Keene et al. and Fish do not disclose a rail formed of a material shore A durometer, vinyl, acrylic, PVC, acetal and silicon. Applicants submit that these materials are not an obvious design choice based on Fish or Keene et al. since neither reference teaches selecting a material to provide a positive charge during and after cutting of the film.

With regard to claim 7, Applicants submit that although co-extrusion is a known technique, there is no teaching or suggestion in Keene et al. or Fish of the combination of two different materials for use in a slide cutter. The present invention combines a first material for providing cling properties and a second material for providing functionality. There is no teaching or suggestion in either Keene et al. or Fish to use co-extrusion to provide a slide cutter providing properties for holding film and strength of the rail.

With regard to claim 16, Keene et al. do not teach end caps releasably attached to either end of the rail base for releasing upon application of excessive force. Rather, Keene et al. teach a tapered cylindrical member (40 and 42) to sealably engage with insert 46. There is no teaching or suggestion that the sealably engaged insert could be released upon application of excessive force.

Claim 2 was rejected under 35 U.S.C. § 103 as obvious in view of Keene et al. and Fish and further in view of U.S. Patent No. 5,398,576 to Chiu.

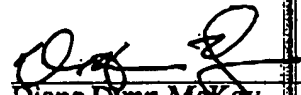
Chiu teaches a cutting device for a roll of protective film. A cutter includes a sliding body 321 which has a rearwardly and downwardly inclined front end surface 322 and a notch for mounting a blade. Owing to the cutter being located at the rear portion of the sliding portion, the guide unit can prevent wrinkling of the protective film when the cutter is in use (Col. 3, Lines 41-46).

In contrast to the invention defined by the present claims, Chiu does not teach or suggest rails being formed of a material providing a positive charge to film received over the rails to hold the film before and after cutting of the film. Rather, Chiu uses the position of the blade to prevent wrinkling of the film. Further, Chiu does not teach or suggest the grip surface having a concave shape. Rather, the grip surface of Chiu has a rearwardly and downwardly inclined surface. As described on page 5, lines 17-21, the grip surface of the present invention has a concave shape for allowing a user's fingers to easily grip the blade housing and maintains a user's point of contact centrally on the top of the blade housing, thereby preventing rocking or teetering of the blade housing. There is no teaching or suggestion in Chiu of any of these features and advantages. Thus, Chiu does not cure the deficiencies of Keene et al. and Fish, as noted above. Accordingly, the invention defined by the present claims is not obvious in view of Keene et al., Fish and Chiu.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this

application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

  
Diane Dunn McKay  
Reg. No. 34,586  
Attorney for Applicants

DATE: July 17, 2003

MATHEWS, COLLINS, SHEPHERD & MCKAY, P.A.  
100 Thanet Circle, Suite 306  
Princeton, New Jersey 08540-3662  
Telephone: (609) 924-8555  
Telecopier: (609) 924-3036

## CLAIMS MARKED TO SHOW CHANGES

1. (Twice Amended) A film cutter apparatus comprising:
  - an elongated rail base;
  - a pair of rails formed at a top surface of said elongated rail base and a channel formed within said rail base and between said rails; and
  - a blade housing formed of an upper portion and a lower portion;
  - said upper portion of said blade housing houses a blade, a bottom edge of said upper portion of said blade housing protruding on either end from said blade and an end surface being rounded and inclined upwardly and from either end of said bottom edge;
  - said lower portion of said blade housing slidably moving in said channel,
  - wherein said rails are formed of a material which is adapted to provide a positive charge to film received over said rails to hold said film before and after cutting.